

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DAVIS BARTON,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:11CR349-1
	)	1:12CR255-1
	)	1:13CV913
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on January 20, 2015, was served on the parties in this action. Plaintiff objected to the Recommendation. (Doc. 36 in Case Number 1:11CR349; Doc. 28 in Case Number 1:12CR255).

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination, which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Petitioner's Motion to Vacate, Set Aside, or Correct Sentence (Doc. 20 in Case Number 1:11CR349; Doc. 12 in Case Number 1:12CR255) is DENIED. A Judgment dismissing this action will be entered contemporaneously with this Order.

Finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability is not issued.

/s/ Thomas D. Schroeder  
United States District Judge

April 14, 2015